

REMARKS

Claims 1-27 currently stand rejected under Section 103 over Lebda in view of Jones.

Applicants and the Examiner conducted an interview earlier this year. During this interview, the parties discussed several references, including Lebda. The Office conceded that the pending claims are patentable over the Lebda reference because, among other things, Lebda does not disclose or suggest “the first web server or a second web server automatically communicating in real time an approval of the credit application to the buyer’s computer if the credit application meets the at least one credit approval criterion,” “the web server automatically communicating in real time an approval of the credit application to the buyer’s computer that generated the credit application if the credit approval engine determines that the credit application meets the at least one credit approval criterion,” and “communicating, automatically in real time by the web server to the buyer’s computer, an approval of the application if the credit approval engine determines that the credit application meets the at least one credit approval criterion,” as included in claims 1, 10 and 19, respectively.¹ While conceding that Lebda does not disclose real-time communications, the Office now argues that the term “real-time,” as defined in the Jones reference, may encompass an extremely period of time – even well over half-an-hour. Based on this overly broad definition of “real-time,” the Office argues that a combination of Lebda and Jones renders the pending claims obvious.

The Office’s position ignores that the approval method disclosed in Jones is entirely different than the method claimed in the pending claims. Jones’ method consists of a borrower manually entering information via a telephone for the approval process.² (*See* Jones, FIG. 1.) Once processed, the Jones method places the approval information in a queue to be faxes to the dealer/lender, who must then, in turn, notify the buyer. (*See* Jones, col. 7, lns. 9-11.). As such,

¹ Applicants disagree with the general statement that Lebda discloses each of the remaining elements of the pending claims. Moreover, Applicants note that there is no claim 31 in the Lebda patent cited.

² To the contrary, the present claims relate to a computerized approval system. It should be noted that the Background Section of Jones clearly distinguishes computer-based systems (such as the present invention) noting that these systems are “intimidat[ing]” and “generally require[] training someone, . . . which requires a significant investment in time and resources.”

transmission of approval information via this system may take more than 30 minutes. (*Id.* at col. 2, lns. 55-58.) To the contrary, “real-time” in the context of the present invention pertains to more expedited transmission without any intentional delay or human intervention.

The definition of “real time” in Jones is clearly an example of a patent applicant being his own lexicographer. This definition is inapplicable to the present invention, and thus, the Jones reference does not provide an adequate basis for rejecting the pending claims.

CONCLUSION

Based on at least the foregoing, the Applicants believe that claims 1-27 are in condition for allowance.

Applicants appreciate the Office’s thorough examination of this case, which has been pending for over eight years and has been subject to multiple different rejections in light of multiple different references. Given the state of the prosecution, however, if the Examiner disagrees or has any question regarding this submission, the Applicants request that the Examiner set-up a telephone interview with the undersigned at (312) 775-8000 prior to issuing any further action.

A Notice of Allowance is courtcously solicited.

Respectfully submitted,

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